

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LONNIE ISAAC, JR., Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
February 2, 2006

Petitioner-Appellee,

v

LONNIE ISAAC,

Respondent-Appellant.

No. 263958
Genesee Circuit Court
Family Division
LC No. 03-116522-NA

Before: Meter, P.J., Whitbeck, C.J., and Schuette, J.

MEMORANDUM.

Respondent Lonnie Isaac appeals as of right from the trial court order terminating his parental rights to the minor child.¹ We affirm. We decide this appeal without oral argument.²

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.³ Isaac has not seen the child since approximately 1997, when the child's mother left Chicago and moved to Flint with her children. Isaac did not follow but instead moved to Washington State. Isaac spoke with the child on the telephone infrequently when the mother would call for money. The mother had problems with homelessness and drugs. Still, her children did well in school and mostly lived with relatives. In approximately May 2002, the child went to live with the mother's cousin. Isaac did not support, contact, or visit the child while he lived with the cousin.

¹ MCL 712A.19b(3)(a)(ii) (authorizing termination for desertion for 91 or more days); MCL 712A.19b(3)(g) (authorizing termination for failure to provide proper care or custody); MCL 712A.19b(3)(j) (authorizing termination when there is a reasonable likelihood of harm should child return to parent's home).

² MCR 7.214(E).

³ MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

Isaac had two convictions for assault in Washington and an extensive criminal history. He asked to visit with the child while in Michigan, or to at least have phone contact, but the child's therapist recommend against this. The child was afraid of Isaac and had memories of Isaac pushing or throwing him down the stairs and breaking his collarbone, knocking him against a wall and putting a dent in his head, trying to paint his fingernails red, and breaking his mother's arm or leg. The child had to be hospitalized because of extreme anxiety, hallucinations, and talk of suicide. He feared that his father, whom he called "that man," would come to take him away.

Based on the record, we have no definite and firm conviction that the trial court erred in finding sufficient evidence to terminate Isaac's parental rights. Isaac failed to provide proper care or custody for the child and would not be able to do so within a reasonable time. Isaac deserted the child for 91 or more days without seeking custody. In fact, Isaac was not around for much of the child's life. Further, there is a reasonable likelihood that the child would suffer at least emotional harm if forced to live with Isaac. The child is afraid of Isaac and has very bad memories of Isaac's alleged abuse. Because of Isaac's long absence, the child did not remember him, and the child's therapist was unable to make any headway in gaining the child's consent to visit Isaac.

The record also supports the trial court's conclusion that termination of Isaac's parental rights would not be contrary to the child's best interests.⁴ The child needs a permanent, safe, stable home with a caretaker with whom he can feel comfortable. We have examined the record and find no clear error in the trial court's decision terminating Isaac's parental rights.

We affirm.

/s/ Patrick M. Meter
/s/ William C. Whitbeck
/s/ Bill Schuette

⁴ MCL 712A.19b(5); *Trejo, supra* at 356-357.